

REMARKS

Claims 1, 2, 4, 6, 9, 13-16, and 21-25 stand rejected under 35 U.S.C. § 102(b), as being unpatentable over Comas et al, U.S. Patent No. 5,738,583 (“Comas”). Claims 3, 5, 7, 8, 10, and 17 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Comas in view of Eck et al, U.S. Patent No. 6,716,103 (“Eck”). Claims 11, 12, and 18-20 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Comas in view of Thomas et al, U.S. Patent No. 6,453,160 (“Thomas”). Applicant respectfully traverses these rejections for at least the following reasons.

35 U.S.C. § 102(b) Rejections

Claims 1, 2, 4, 6, 9, 13-16, and 21-25 stand rejected under 35 U.S.C. § 102(b), as being unpatentable over Comas. Applicant respectfully traverses these rejections for at least the following reasons.

35 U.S.C. § 102(b) recites:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

In addition, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *See*, M.P.E.P. 2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Comas Does Not Teach a Wireless Access Device Receiving a Cached Communication

Independent Claims 1 and 24 disclose a system for providing and wireless communications device for performing, respectively, interactive applications wherein a “wireless ...device receives cached communication...” Applicant respectfully submits that Comas does not disclose each and every element of Claims 1 and 24. Applicant respectfully submits that Comas does not disclose each and every element of Claims 1 and 24.

The Office Action states that Comas discloses a system wherein a wireless access device receives cached communication in a passage that states, in part:

A gaming session is initiated at time T1 which begins with the game server 31 receiving a control signal transmitted by User A ...At time T2, the game server 31 transmits a game start signal which is received by User A and User B...At time T3, Users A and B...transmit a data signal signifying a movement in a graphic characterization or another action update while the game server 31 receives the data signals. At time T4, the game server 31 transmits updated data signals which are received by Users A and B...(col. 4. lines 32-62).

Office Action of June 12, 2006, at 4. In addition, in the Response to Arguments, the Office Action further asserts the notion that Comas teaches a wireless access device receives cached communication in:

The processor includes a memory for storing the data signals...and further for effecting a recall for display of a last of the data signals stored in the memory, and a network interface which is coupled between the controller and the game server. A transmitter is provided for transmitting wireless responses to provide the updated gaming information. (Col. 2, lines 8-12).

Applicant respectfully asserts that nowhere in this reference is a wireless access device receiving *cached* communications disclosed. The reference discloses a processor which includes memory for storing data signals. However, a *cached* communication is much different than mere memory. When information is *cached*, information is stored in a ‘cache,’ or a place where

information is kept to prevent the need to read the information from a slower device, such as a disk. (See the definition of ‘cache’ in a computer technology reference such as, for example, Downing et al., *Dictionary of Computer and Internet Terms*, 73 (7th ed. 2000)). Thus, a system that caches information keeps some information that is used repeatedly in a separate place (the cache) from the regular memory for faster access to the information. Cached information, therefore, is distinctly different than ‘memory.’

Comas does not teach Applicant’s disclosure because Comas fails to mention caching information or use of a cache at all. Applicant respectfully submits that the terms ‘caching’ and ‘cache’ are so well known in the art that, because Comas fails to mention either caching or cache, it is obvious the inventors of Comas did not intend to disclose caching or use of a cache. It is this process of using cached information which sets Applicant’s invention apart from the prior art (i.e. Comas) because Applicant’s invention allows wireless applications to work faster and more efficiently than those disclosed in the prior art. Thus, because Comas does not teach using *cached* communications, Applicant’s invention is distinct from the teachings in Comas and, accordingly, Claims 1 and 24 are not anticipated by Comas and, therefore, Claims 1 and 24 are patentable over Comas in this regard.

Accordingly, Applicant submits at least Claims 1 and 24 are patentably distinguishable over the prior art cited. Applicant further submits that Claims 2, 4, 6, 9, 13, and 14 are similarly distinguishable over the prior art cited by virtue of their ultimate dependency from a patentably distinct base claim.

Comas Does Not Teach a Wireless Access Device Receiving Cached Communication

Independent Claims 15, 22, and 23 disclose a method, computer program, and a wireless communications device, respectively, “for performing interactive applications...comprising:

...[elements necessary for] receiving communications indicative of...cached updates.”

Independent Claim 25 discloses a computer program “being suitable for being performed ...comprising...code for storing data...of received communications indicative of...cached updates.” Applicant respectfully submits that Comas does not disclose each and every element of Claims 15, 22, 23, and 25.

The Office Action states that Comas discloses a system wherein a wireless access device receives cached updates in a passage that states, in part, “[a]t time T4, the game server 31 transmits updated data signals which are received by Users A and B... (col. 4, lines 49-52).”

Office Action of June 12, 2006, at 5. In addition, in the Response to Arguments, the Office Action further asserts the notion that Comas teaches cached updates in:

The processor includes a memory for storing the data signals....and further for effecting a recall for display of a last of the data signals stored in the memory, and a network interface which is coupled between the controller and the game server. A transmitter is provided for transmitting wireless responses to provide the updated gaming information. (Col. 2, lines 8-12).

Applicant respectfully asserts that nowhere in Comas is a *cached updates* disclosed. The reference discloses a processor which includes memory for storing data signals. However, as described in detail above, a *cached* communication is much different than mere memory. When information is *cached*, information is stored in a ‘cache,’ or a place where information is kept to prevent the need to read the information from a slower device, such as a disk. (See, again, the definition of ‘cache’ in a computer technology reference such as, for example, Downing et al.,

Dictionary of Computer and Internet Terms, 73 (7th ed. 2000)). Thus, a system that caches information keeps some information that is used repeatedly in a separate place (the cache) from the regular memory for faster access to the information. Cached information, therefore, is distinctly different than ‘memory.’

Comas does not teach Applicant’s disclosure because Comas fails to mention caching or use of a cache at all. As noted above, the terms ‘caching’ and ‘cache’ are so well known in the art that, because Comas fails to mention either caching or cache, it is obvious the inventors of Comas did not intend to disclose caching or use of a cache. It is this process of using cached information which sets Applicant’s invention apart from the prior art (i.e. Comas) because, as noted above, Applicant’s invention allows wireless applications to work faster and more efficiently than those disclosed in the prior art. Thus, because Comas does not teach using *cached* updates, Applicant’s invention is distinct from the teachings in Comas and, accordingly, Claims 15, 22, 23, and 25 are not anticipated by Comas and, therefore, Claims 15, 22, 23, and 25 are patentable over Comas in this regard.

Accordingly, Applicant submits at least Claims 15, 22, 23, and 25 are patentably distinguishable over the prior art cited. Applicant further submits that Claim 16 is similarly distinguishable over the prior art cited by virtue of its ultimate dependency from a patentably distinct base claim.

35 U.S.C. § 103(a) Rejections

Claims 3, 5, 7, 8, 10, and 17 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Comas in view of Eck. Claims 11, 12, and 18-20 stand rejected under 35

U.S.C. § 103(a), as being unpatentable over Comas in view of Thomas. Applicant respectfully traverses these rejections for at least the following reasons.

35 U.S.C. §103(a) recites:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim elements. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). M.P.E.P. 706.02(j).

Comas and Eck Do Not Teach a Wireless Access Device Receiving Cached Communication or Communications Indicative of Cached Updates

Claims 3, 5, 7, 8, and 10 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Comas in view of Eck. Applicant respectfully traverses this rejection for at least the following reasons.

For at least the reasons set forth hereinabove, Comas fails to teach all of the limitations of independent Claim 1. The deficiencies in the teachings of Comas are not remedied by the

addition of Eck nor does the present Office Action suggest that they are. The present Office Action states that “Eck...discloses a handheld wireless gaming machine.” *Office Action of June 12, 2006*, at 6. Applicant respectfully submits that the present Office Action makes no mention of Eck disclosing any other element of Claim 1 and nowhere in the Eck reference is “wireless access devices receiv[ing] *cached communication*” disclosed. Thus, Applicant respectfully asserts that Eck does not disclose this element of Claim 1. Because Comas and Eck fail to disclose this element, Applicant respectfully asserts not all of the elements of Claim 1 are taught.

Accordingly, Applicant submits at least Claim 1 is patentably distinguishable over the prior art cited. Applicant further submits that Claims 3, 5, 7, 8, and 10 are similarly distinguishable over the prior art cited by virtue of their ultimate dependency from patentably distinct base Claim 1.

Claim 17 stands rejected under 35 U.S.C. § 103(a), as being unpatentable over Comas in view of Eck. Applicant respectfully traverses this rejection for at least the following reasons.

For at least the reasons set forth hereinabove, Comas fails to teach all of the limitations of independent Claim 15. The deficiencies in the teachings of Comas are not remedied by the addition of Eck nor does the present Office Action suggest that they are. The present Office Action states that “Eck...discloses a handheld wireless gaming machine.” *Office Action of June 12, 2006*, at 6. Applicant respectfully submits that the present Office Action makes no mention of Eck disclosing any other element of Claim 15 and nowhere in the Eck reference is a “method for performing...interactive applications...comprising: ...receiving communications indicative of...cached updates” disclosed. Thus, Applicant respectfully asserts that Eck does not disclose

this element of Claim 15. Because Comas and Eck fail to disclose this element, Applicant respectfully asserts that not all of the elements of Claim 15 are taught.

Accordingly, Applicant submits at least Claim 15 is patentably distinguishable over the prior art cited. Applicant further submits that Claim 17 is similarly distinguishable over the prior art cited by virtue of its ultimate dependency from patentably distinct base Claim 15.

Comas and Thomas Do Not Teach a Wireless Access Device Receiving Cached Communication or Communications Indicative of Cached Updates

Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Comas in view of Thomas. Applicant respectfully traverses this rejection for at least the following reasons.

For at least the reasons set forth hereinabove, Comas fails to teach all of the limitations of independent Claim 1. The deficiencies in the teachings of Comas are not remedied by the addition of Thomas nor does the present Office Action suggest that they are. The present Office Action states that “Thomas...discloses a broadcast transmitter 215 that transmits any desired portion of a gaming data to a handheld wireless access device in code division multiple access (CDMA) format.” *Office Action of June 12, 2006*, at 8. Applicant respectfully submits that the present Office Action makes no mention of Thomas disclosing any other element of Claim 1 and nowhere in the Thomas reference is “wireless access devices receiv[ing] *cached communication*” disclosed. Thus, Applicant respectfully asserts that Thomas does not disclose this element of Claim 1. Because Comas and Thomas fail to disclose this element, not all of the elements of Claim 1 are taught.

Accordingly, Applicant submits at least Claim 1 is patentably distinguishable over the prior art cited. Applicant further submits that Claims 11 and 12 are similarly distinguishable over the prior art cited by virtue of their ultimate dependency from patentently distinct base Claim 1.

Claims 18-20 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Comas in view of Thomas. Applicant respectfully traverses this rejection for at least the following reasons.

For at least the reasons set forth hereinabove, Comas fails to teach all of the limitations of independent Claim 15. The deficiencies in the teachings of Comas are not remedied by the addition of Thomas nor does the present Office Action suggest that they are. The present Office Action states that “Thomas...discloses a broadcast transmitter 215 that transmits any desired portion of a gaming data to a handheld wireless access device in code division multiple access (CDMA) format.” *Office Action of June 12, 2006*, at 8. Applicant respectfully submits that the present Office Action makes no mention of Thomas disclosing any other element of Claim 1 and nowhere in the Thomas reference is a “method for performing...interactive applications...comprising: ...receiving communications indicative of...cached updates” disclosed. Thus, Applicant respectfully asserts that Thomas does not disclose this element of Claim 15. Because Comas and Thomas fail to disclose this element, not all of the elements of Claim 15 are taught.

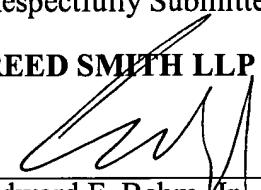
Accordingly, Applicant submits at least Claim 15 is patentably distinguishable over the prior art cited. Applicant further submits that Claims 18-20 are similarly distinguishable over the prior art cited by virtue of their ultimate dependency from patentently distinct base Claim 15.

Conclusion

Applicant respectfully submits that this Application now meets the requirements for the issuance of a Notice of Allowance and Applicant respectfully requests the same at the earliest possible time. Applicant further respectfully requests the courtesy of a telephone call should there be any outstanding issues related to the issuance of a Notice of Allowance in this matter.

Respectfully Submitted,

REED SMITH LLP



Edward F. Behm, Jr.
Registration No. 52,606
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103
(215) 851-8100

Attorney for Applicant

Date: October 31, 2006